

DOUBT 2
DATE 3/20/09
394

THE EARLY VOTING INFORMATION CENTER of Reed College

3203 SE Woodstock Blvd Paul Gronke, director
Portland, OR 97202 (503) 517-7393

Ballot Integrity and Voting by Mail: The Oregon Experience

By Dr. Paul Gronke, Director, EVIC at Reed College

A Report for the Commission on Federal Election Reform

Co-Chairs:

President Jimmy Carter

Honorable James A. Baker, III

This report was prepared under the auspices of the Center for Democracy and Election Management, American University, Dr. Robert Pastor, Director. The research was also supported by a grant from the Andrew Mellon Foundation and the Michael E. Levine Research Fund at Reed College.

Conclusions

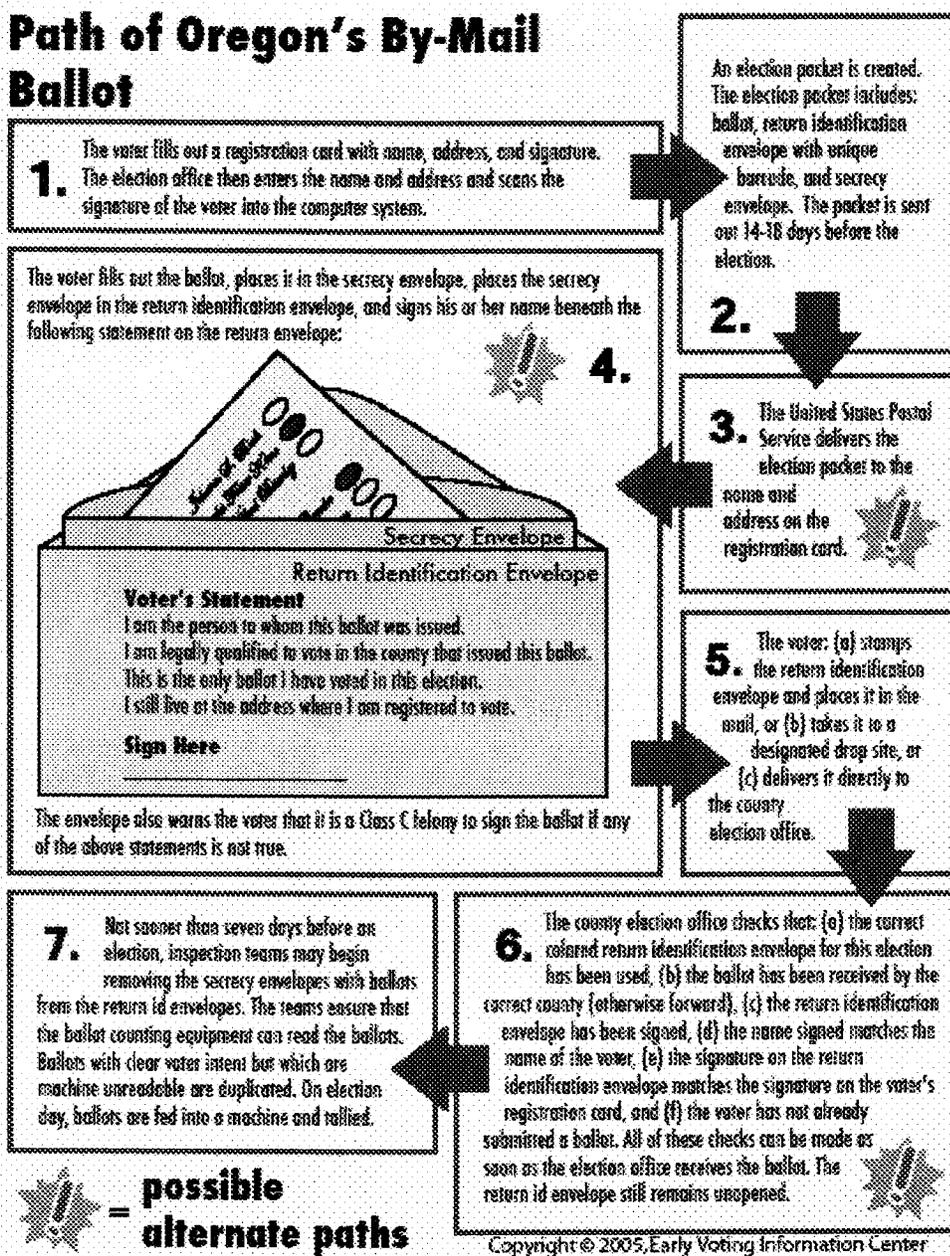
In 2001, the National Commission on Electoral Reform determined that vote by mail, along with other "early voting" systems, had the potential to modestly increase voter turnout, and that voting by mail specifically placed no additional demands on the voter (in contrast to absentee balloting). The systems allowed elections officials to provide greater administrative support to voters. The Commission expressed concern, however, over the potential for fraud and coercion under systems which lack the "fundamental privacy of the voting booth." In many respects, these conclusions remain valid, at least when examined in the context of Oregon's all-mail balloting system. VBM has increased participation rates in low profile contests. Oregon's system of delivering the ballot directly to the voter places few burdens on citizens to vote. And Oregon officials point proudly to procedures that help reconcile problems before the election is completed, so that as many legitimately cast ballots as possible get counted, hopefully avoiding post-election litigation.

Demographically, Oregon is a moderately wealthy state and is ethnically homogeneous. Oregon has historically had a participative culture, and vote by mail seems to have had little impact on it (in the words of Director Lindback, "Oregon may no longer have the old rituals, but we have our own new ones.") Oregon has historically had a clean, open, and permeable election system, with no history of machine politics or election fraud. Oregon election officials remain proud of their non-partisan tradition. The implication is that while voting by mail has worked well in Oregon, it may not work as well in regions, states, or localities with a more contentious political culture.

Recommendations

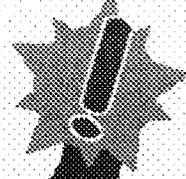
1. States must recognize that the choice is no longer between by-mail and precinct elections, but between by-mail and hybrid elections. Hybrid elections, because they run on two tracks at once, have ballot integrity issues that all-precinct or all-by-mail elections do not.
2. While most of the discussion of ballot integrity in VBM has focused on the front end (forged or false ballots), attention also needs to be focused on the back end (making sure ballots are not intercepted on the way from the voter to the county office).
3. Voting by mail is not a panacea for declining participation and should not be adopted solely for this reason.
4. Successful VBM requires building a partnership with the USPS and other institutions with large residential populations.
5. A properly instituted VBM system can improve the quality of the registration rolls and provides a longer time frame for election officials to catch problems.
6. Evaluating new systems for voting requires clear, consistent, and readily accessible records on election administration. Rules and procedures should be established by state law. Since electronic storage is almost costless, so there is no reason to purge old records.
7. In order for VBM to work, there must be buy in from county officials who actually implement and administer the system.
8. Further research is needed to properly assess the costs and benefits of VBM and no-excuse absentee balloting, particularly how these systems may change the conduct of political campaigns and alter the contribution of elections to American civic life.

Path of Oregon's By-Mail Ballot



What happens if the postal service cannot deliver the ballot?

The Postal Service will **NEVER** forward a ballot. Undeliverable ballots are returned to the county election office. All updates of voter registration are done after the election has been certified.



...if there's no forwarding address:

If the USPS reports that the voter is temporarily away

If the voter is temporarily away, the ballot is put aside for the election. No changes are made to the voter roll and the voter continues to be listed as active. If the voter contacts the election office, they will mail a replacement ballot to a temporary address.

Unrecognized name or address

The election office checks the address and the registration card. If there was a data entry mistake, the election packet is resent with the corrected address. If no error can be detected, the ballot is put aside for the election. After the elections, a forwardable notice is sent to the voter.

...if there is a forwarding address:

Forwarding address in the county

The ballot is put aside for the election. The voter's registration is updated. A Voter Notification Card is generated and sent to the new address. The voter will automatically be sent a ballot for the next election. The voter may appear in person to update his or her registration and receive a ballot for the current election.

Forwarding address in another county

The ballot is put aside for the election and the voter's registration is recorded as inactive. A forwardable notice is sent to the voter, letting them know that they need to re-register and that their old registration is now inactive. No ballot will be sent for the next election unless the voter re-registers.

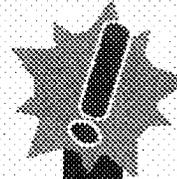
Forwarding address in another state

The ballot is put aside for the election and the voter's registration is recorded as inactive. A forwardable notice of inactivation is sent.

Copyright © 2005, Early Voting Information Center

What happens if a person does not receive a ballot?

Voters who have not received, lost, or damaged their ballot may request a replacement ballot.



Voter not registered in the county

If the voter is not listed in the county registration record, he or she is issued a provisional ballot. All provisional ballots are researched to see if the voter was eligible (i.e. registered by the deadline but in a different county and had subsequently moved). All provisional ballots must be resolved by the date the election is certified.

...is the voter registered in the county?

If the voter is registered in the county and the voter's ballot has not already been received, he or she is issued a replacement ballot.

The replacement is given a new identification number and a corresponding barcode is printed on the new return identification envelope. The return identification envelope is flagged as a replacement ballot.

The new identification number of the replacement ballot is linked on the computer to the identification number of the original ballot. This prevents the ballots from both being counted.

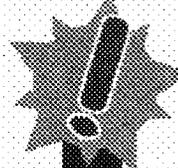
1. If the county election office receives only the replacement ballot, the replacement ballot is processed normally.
2. If the election office receives only the original ballot, the original ballot is processed normally.
3. If the election office receives both the original and replacement ballots, the first ballot received is counted. The case is then forwarded to the office of the Secretary of State for investigation.

Voter registered in the county

Copyright © 2005, Early Voting Information Center

What happens if the signature on the envelope is questioned?

Using a computerized image of the registration card, election workers check every signature.



...what if there is no signature?

Election officials highlight the signature box and send back the return id envelope with instructions to sign and return the envelope by 8:00 pm on election day. If there is not enough time to send the id envelope back, an election official calls the voter and asks him or her to come into the election office to sign the return id envelope. If the envelope is not signed before 8:00 pm on election night, the ballot is not counted.

...what if the wrong name is signed?

If the return id envelope is signed with a name other than the voter's, a letter is sent and instructions are given to the voter on what to do in order to have his or her ballot counted.

If the elections office receives ballots where each of two members of a household signed the other's return id envelope, both ballots are counted.

...what if the signature doesn't match?

An election officer contacts the voter and asks him or her to come into the election office. The voter can either re-sign the return identification envelope and have that signature checked against the signature on his or her registration card or fill out a new registration card.

If the voter does not respond to inquires, the case is passed on to the Secretary of State's office. If the Secretary of State's office does not get a response, he or she may choose to forward the case to the Attorney General for further investigation. If questions are not resolved within 10 days of the election, the ballot is not counted.

Copyright © 2005, Early Voting Information Center

**Appendix III: Statistics for voting twice and signature not matching
(cases reported to the state)**

Year	DV (double voting)	BSV (ballot signature verification)
2004	62	1,057
2003	19	606
2002	25	602
2001	6	106
2000	53	239
1999	2	130
1998	53	32

Notes on “Signature not matching cases” (“BSV”) process:

- Data provided by the Division of Elections, State of Oregon
- The process involves, briefly, the county challenging a ballot for which signature does not match voter registration signature, they send letter to elector giving them 10 days to resolve issue with ballot so ballot may still be counted.
- If the county gets no response, they are to send it to Secretary of State, per VBM manual. In all of these cases, the non-response of the elector resulted in the county not being able to count the ballot.
- We send inquiry letter and if we receive a reasonable explanation, we admonish and advise – for instance if signature has changed, then the elector needs to update voter registration.
- If they inform us they actually voted their own ballot but allowed another person (such as spouse) to sign, and this hasn’t happened before, we advise them this is not allowable and it resulted in their ballot not being counted and admonish them to never do this again.
- If no response is received, we send second and third inquiries by certified mail and attempt to call as well.
- For those with no response, or any more egregious circumstances, we send to AG for investigation.* It takes a few months for this process to play out as we send the notices out and allow for response time.
- AG conducts more investigation, sometimes on site, and provides us with an investigation report on which to base either closing or prosecution.
- Reasons for considering prosecution of these types of “BSV” cases includes: If elector didn’t vote own ballot and other signer not authorized to do so, especially if forged other person’s name.*
- Benefits of this process include voter education on what’s allowed, voters realizing they must update their voter registration card so future ballot signatures will match and prevent this problem again,
- Some situations of address cancellations are cleared up for county, or name problems.
- The majority of these cases are not found prosecutable as a knowing violation with criminal intent.

Notes on “Voting twice cases” (“DV”) process:

- The process involves, briefly, one county or more than one noting that a person has voted more than one ballot at one election.
- Our process involves again, sending inquiry letters, similar to above.
- If no response or appears more egregious, we send to AG for further investigation and possible prosecution. Some of the reasons discovered are discussed at end and also some reasons for transmitting a case of voting twice to AG.**
- Benefits of this process again include voter education and also in many cases, clearing up voting records for possible duplicates in one county to another (for instance one county didn’t get cancellation notice when a person moved to another county...). Another common problem caught is name changes due to marriage... and sometimes county data entry errors on names...

**Can Mail Ballot Elections Increase Participation?
Evidence from a Natural Experiment**

*By Thad Kousser, UC San Diego tkousser@ucsd.edu
and
Megan Mullin, Temple University mmullin@temple.edu*

Abstract. Analyses of absentee voters and Oregon's experiment with voting by mail suggest that mail ballot elections can significantly increase voter turnout. Policymakers at the county, state, and federal levels are considering making the shift to boost participation. Yet making general predictions about the impact of mail ballot elections from these specific studies may be misleading, because they analyze either people so motivated to vote that they have requested absentee ballots, or voters taking part in mail ballot elections held under political conditions that are different from previous contests.

In this paper, we attempt to isolate the effects of mail ballot elections by taking advantage of a natural experiment in which voters are assigned to vote by mail in a nearly random process. We use matching techniques to ensure that the demographic characteristics of these voters resemble those of polling place voters who take part in the same elections. Drawing on data from a large sample of California counties in two general elections, we find that voting by mail does not deliver on the promise of greater participation. Voters in precincts assigned to vote by mail turn out at lower rates and "roll off" the ballot at slightly higher rates than those sent to a polling place.

*Prepared for delivery at the 2006 Annual Meeting of the
American Political Science Association, Philadelphia, Pennsylvania*

We would like to thank the Haynes Foundation for supporting this project, Karin MacDonald for bringing mail ballot precincts to our attention, Anup Pradhan for data help, Shawn Trier for his helpful comments on an earlier draft, and Sam Deddeh and Mike Binder for data entry assistance.

V. Discussion

Proponents of mail ballot elections contend that this reform will boost voter participation, basing their arguments upon the behavior of voluntary absentee voters or upon the record of elections that introduced this new form of voting to a politically-engaged state in a highly-charged electoral atmosphere. Looking for ways to increase turnout, policymakers at the local, state, and national level are now considering bills to allow more mail ballot elections. This policy change has the potential to deliver some benefits, such as cost savings, increased ballot security, and lower reliance on a temporary work force. However, our study indicates that it will not fulfill the promise of increasing participation. Counter to the conventional wisdom, we find that voting by mail actually decreased turnout by one to three percentage points in recent California general elections. This effect is consistent across elections and robust across different approaches to analyzing the data. In the 2000 presidential contest, which brought many marginal voters to the polls, those who were assigned to vote by mail were also a bit more likely to roll off the ballot and abstain from voting in downballot candidate and proposition races. These effects are small, but statistically significant. Instead of boosting turnout and giving voters the time to vote in every contest, it is likely that a shift to mail ballot elections will reduce both forms of participation.

From one perspective, this is a surprising result. Voting by mail fundamentally changes the location and timing of elections, moving them from a potentially inconvenient location to the comfort of voters' homes and from a single day to a range of weeks. On the other hand, a large body of work on political behavior indicates that individual characteristics and registration laws are the primary predictors of who votes, so that changes in administrative procedures should bring about only modest if any shifts in turnout. Recent research also gives us reason to exercise care in drawing inferences about mail ballot elections from studies of Oregon and self-selected absentee voters. Randomized field experiments on the effects of different campaign strategies have

demonstrated the importance of drawing accurate causal inferences, and methodological advances in the area of matching have improved our ability to make those inferences with observational data. Although true randomization is not possible in a study of voting methods, the natural experiment conducted each year by California's counties makes it possible to isolate the effects of voting by mail. As we have seen, mail ballot elections are not the panacea that reform advocates might perceive them to be; while they might offer some cost savings or administrative benefit, it is likely they will dampen voter participation.

Table 3. The Effect of Mail Balloting on Turnout

County	Effect of Mail Balloting, 2000 General Election		Effect of Mail Balloting, 2002 General Election	
	ATT	Mail Precincts	ATT	Mail Precincts
All counties	-2.63 *** (.39)	1,028	-2.74 *** (.60)	410
All counties, matching within counties	-2.60 *** (.36)	1,028	-2.87 *** (.56)	410

*Notes. The left columns for each election show sample average treatment effects on precincts with five or more registrants that received the mail ballot treatment. The right column shows the number of mail precincts in each county. Estimates were obtained by nearest neighbor matching on all covariates using the nmatch program in Stata. In the model that includes matching on counties, matching was exact within counties. Effect estimates are based on 3:1 matching with replacement, and they include a bias adjustment and robust standard errors. Estimates are significant at * $p < .05$, ** $p < .01$, *** $p < .001$*

demonstrated the importance of drawing accurate causal inferences, and methodological advances in the area of matching have improved our ability to make those inferences with observational data. Although true randomization is not possible in a study of voting methods, the natural experiment conducted each year by California's counties makes it possible to isolate the effects of voting by mail. As we have seen, mail ballot elections are not the panacea that reform advocates might perceive them to be; while they might offer some cost savings or administrative benefit, it is likely they will dampen voter participation.

Table 3. The Effect of Mail Balloting on Turnout

County	Effect of Mail Balloting, 2000 General Election		Effect of Mail Balloting, 2002 General Election	
	ATT	Mail Precincts	ATT	Mail Precincts
All counties	-2.63 *** (.39)	1,028	-2.74 *** (.60)	410
All counties, matching within counties	-2.60 *** (.36)	1,028	-2.87 *** (.56)	410

*Notes. The left columns for each election show sample average treatment effects on precincts with five or more registrants that received the mail ballot treatment. The right column shows the number of mail precincts in each county. Estimates were obtained by nearest neighbor matching on all covariates using the nnmatch program in Stata. In the model that includes matching on counties, matching was exact within counties. Effect estimates are based on 3:1 matching with replacement, and they include a bias adjustment and robust standard errors. Estimates are significant at * $p < .05$, ** $p < .01$, *** $p < .001$*